

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

UNITED STATES OF AMERICA

v.

KYUNG MIN KONG (01)

NO. 2:18-CR-030-D (01)

FACTUAL RESUME

In support of Kyung Min Kong's plea of guilty to the offense in Count One of the indictment, Kong, the defendant, Sarah Gunter, the defendant's attorney, and the United States of America (the government) stipulate and agree to the following:

ELEMENTS OF THE OFFENSE

To prove the offense alleged in Count One of the indictment, charging a violation of 18 U.S.C. § 1029(a)(3), that is, Possession of Fifteen or More Counterfeit Access Devices, the government must prove each of the following elements beyond a reasonable doubt:¹

- First.* That the defendant knowingly possessed fifteen or more access devices;
- Second.* Those devices were counterfeit or unauthorized;
- Third.* The defendant possessed those devices with the intent to defraud; and
- Fourth.* The defendant's conduct affected interstate or foreign commerce.

¹ Fifth Circuit Pattern Jury Instruction 2.49B (5th Cir. 2015 ed.).

STIPULATED FACTS

1. On or about March 20, 2018, in the Amarillo Division of the Northern District of Texas, and elsewhere, Kyung Min Kong, defendant, knowingly and with intent to defraud, possessed at least fifteen or more counterfeit access devices, to wit: gift cards and debit cards, said possession affecting interstate or foreign commerce, in violation of Title 18, United States Code, Section 1029(a)(3).

2. On March 20, 2018, Texas Department of Public Safety (DPS) Trooper Kieth conducted a traffic stop of a gray 2017 Kia on Interstate 40 in Carson County, Texas. Trooper Kieth identified the driver of the Kia as Kyung Min Kong and the passengers as Moo Kyum Lee and Bon Jun Koo.

3. During the traffic stop, Trooper Kieth noticed indicators of criminal activity. Trooper Kieth asked for permission to search Kong's vehicle. Kong gave consent for a search of his vehicle. The passengers, Lee and Koo, also gave consent to search the vehicle and their belongings.

4. During a search of the vehicle, Trooper Kieth discovered a bag in the back of the van. The bag contained multiple gift cards, debit cards, driver's licenses, blank checks with signatures, passports, and immigration paperwork. Trooper Kieth believed the documents to be counterfeit. Trooper Kieth arrested Kong, Lee, and Koo and transported them and the evidence back to the DPS office in Panhandle, Texas.

5. United States Immigration and Customs Enforcement (ICE) Homeland Security Investigations (HSI) Special Agents (SAs) Billy Melton, Theodore Dekreek, and Jacob Simmons arrived at the DPS office in Panhandle, Texas, to assist with the

investigation. SA Melton read Kong his *Miranda* warning. Kong acknowledged in writing that he understood his rights and he agreed to make a statement. Kong admitted that he knew some people from the Commerce Casino in Los Angeles, California, that help people obtain counterfeit documents in order to apply for bank credit using the fraudulent documents. Kong told agents that many people that have gambling problems and debt will engage in this type of criminal activity.

6. Kong admitted to agents that he had received passport photographs from both Lee and Koo. Kong said he then gave the photographs to a man that he only knew as “Mr. Lee,” who had counterfeit documents produced using the passport photographs.

7. Kong told agents that they had flown to Biloxi, Mississippi, and “Mr. Lee” had a van waiting for them at the airport. Kong stated that he received the key to the van in Los Angeles from “Mr. Lee.” Kong said that the packets that included counterfeit documents, stored value cards, and checks, were already in the van when they arrived. Kong, Koo, and Lee were to use the counterfeit documents to open bank credit accounts. Kong stated that on two occasions, he borrowed \$3,000 from “Mr. Lee,” which would not have to be repaid if the trip was successful. Kong said that Lee visited five or six banks on this trip, and Koo made attempts to open accounts at three banks. Kong said that Koo was only able to open one account at a bank.

8. SA Melton read Lee his *Miranda* warnings, which Lee waived and he agreed to make a statement. Lee stated that he was supposed to be paid \$1,000 to drive. He admitted that he provided a passport photo to Kong. Lee saw a fake passport with his photo on it when he arrived in Mississippi. Lee stated that he used one of the counterfeit

documents to attempt to deposit a check for \$1,800 into an account at a Wells Fargo Bank. Lee claimed that the bank would not accept the check.

9. SA Melton also read Koo his *Miranda* warnings, which Koo waived and he agreed to make a statement. Koo stated that they had flown to Biloxi, Mississippi, and that Koo was to be provided with a free trip in exchange for driving. Koo admitted that he gave a passport photograph of himself to Kong. Koo said he first saw the counterfeit documents in Mississippi. Koo admitted to attempting to conduct financial transactions with the counterfeit documents. Koo said that he was only successful in depositing \$100 in one of the banks.

10. Kong, Koo, and Lee, were in possession of multiple documents. The documents included four Republic of Korea passports with Lee's photograph and with four separate identities. The four passports had counterfeit United States Visas with the corresponding aliases. The men were also in possession of two Korean passports with Koo's photograph with identities other than his own, with corresponding United States Visas. Approximately 84 assorted bank cards in various identities were also found with the counterfeit documents.

11. Kong, Koo, and Lee conspired to open bank accounts and obtain credit, and in fact opened one bank account for that purpose, which had an effect on interstate or foreign commerce.

12. Kong admits that he possessed fifteen or more counterfeit access devices, and that he did so with the intent to defraud.

13. The defendant agrees that the defendant committed all the essential elements of the offense. This factual resume is not intended to be a complete accounting of all the facts and events related to the offense charged in this case. The limited purpose of this statement of facts is to demonstrate that a factual basis exists to support the defendant's guilty plea to Count One of the indictment.

AGREED TO AND STIPULATED on this 8th day of May, 2018.

ERIN NEALY COX
UNITED STATES ATTORNEY

KYUNG MIN KONG

Defendant

SARAH GUNTER

Attorney for Defendant

Anna Marie Bell

ANNA MARIE BELL
Assistant United States Attorney
New Mexico State Bar No. 12501
500 South Taylor Street, Suite 300
Amarillo, Texas 79101-2446
Telephone: 806-324-2356
Facsimile: 806-324-2399
E-mail: anna.bell@usdoj.gov